

ENTERED

July 02, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JARVIS M TILLMAN,

Plaintiff,

VS.

HARRIS COUNTY SHERIFFS OFFICE, *et al*,

Defendants.

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CIVIL ACTION NO. 4:18-CV-1566

ORDER OF DISMISSAL

Plaintiff Jarvis M. Tillman filed a *pro se* civil rights complaint on May 11, 2018. On May 17, 2018, the Clerk's office issued a notice of deficient pleading, noting that Tillman failed to pay the filing fee or move for leave to proceed *in forma pauperis*. Tillman was ordered to so move or pay the filing fee by June 18, 2018. The order specifically warned Tillman that failure to comply could result in dismissal for failure to prosecute. Tillman has not yet complied with the order.

A district court may *sua sponte* dismiss a lawsuit for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1190 (5th Cir.1992). "This authority is based on the 'courts' power to manage and administer their own affairs to ensure the orderly and expeditious disposition of cases.'" *Id.* at 1190–91 (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962)).

Plaintiff's failure to comply with the notice of deficient pleading forces the Court to conclude that he lacks diligence in prosecuting this action. Therefore, under the Court's inherent power to manage its docket, this Court concludes that dismissal for want of prosecution is appropriate. The plaintiff is advised, however, that relief from this order may be obtained under

Federal Rule of Civil Procedure 60(b) upon a proper showing. Accordingly, it is ORDERED that this action is DISMISSED WITHOUT PREJUDICE for want of prosecution.

The clerk shall provide a copy of this Order to the parties.

It is so ORDERED.

SIGNED on this 2nd day of July, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge